IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5987 of 2005

Between:

1 Chokka Jagannadham, S/o. Sathiraju,
R/o. Danavaipeta Village, Thondangi Mandal,
E.G.District.
2 Pirumalla Kasi Rao, S/o. Veeranna,
R/o. Danavaipeta Village, Thondangi Mandal,
E.G.District.
3 Arbelli Sathi Babu, S/o. Dendu,
R/o. Danavaipeta Village, Thondangi Mandal,
E.G.District.
4 Chelluri Ramana, S/o. Tatabbai,
R/o. Danavaipeta Village, Thondangi Mandal,
E.G.District.
5 Chivvakula Appala Konda, S/o. Appa Rao,
R/o. Danavaipeta Village, Thondangi Mandal,
E.G.District.

..... PETITIONERS

AND

1 The Commissioner of Fisheries, Dept of Fisheries,

Mastha Bhavan, Shanthi Nagar Colony, Hyd.
2 The Deputy Director of Fisheries, Kakinada, E.G.District.
3 The Asst. Director of Fisheries, Kakinada, E.G.District.
4 The Fisheries Development Officer,

and Authorized Officer, Tuni, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in allowing the fishermen to do the fishing operation using the names of Pandu Vala, Disco Vala, Ring Vala, Alivi Nets which are half inch (1/2) or below

half inch mesh size, as bad, arbitrary, contrary to A.P. Marine Fishing (Regulation) Act, 1994 and rules made there under and also offends under Articles 14, 19 and 21 of the Constitution of India and pass such other order or orders.

Counsel for the Petitioner: MR.P.RAVI SANKAR

Counsel for the Respondent Nos.1 to 4: GP FOR FISHERIES

The Court at the admission stage made the following:

ORDER:

For declaring the action of the respondents in allowing the fishermen to do the fishing operation using the names of Pandu Vala, Disco Vala, Ring Vala, Alivi Nets which are half inch or below half inch mesh size, as illegal and arbitrary, the present writ petition is filed.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Fisheries.

As seen from the proceedings of the Fisheries Development Officer, dated 27.04.2000, it is for the 3rd respondent to take appropriate decision to prohibit the Lanjuvala operation by issuing necessary notification as per the provisions of A.P.Marine Fishing Regulation Act.

In that view of the matter, I deem it appropriate to dispose of the writ petition, with a direction to the 3rd respondent to take appropriate action in respect of the prohibition of the Lanjuvala operation in accordance with rules, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

Dated: 23.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1 The Commissioner of Fisheries, Dept of Fisheries,

Mastha Bhavan, Shanthi Nagar Colony, Hyd.

2 The Deputy Director of Fisheries, Kakinada, E.G.District.

3 The Asst. Director of Fisheries, Kakinada, E.G.District.

4 The Fisheries Development Officer,

and Authorized Officer, Tuni, E.G.District.

5 Two CCs to the Government Pleader for Fisheries,

High Court Buildings, Hyderabad (OUT)

6. Two CD copies

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